

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE INSTITUTE FOR THE DEVELOPMENT OF
EARTH AWARENESS,

Plaintiff,

08 Civ. 6195(PKC)

-against-

ORDER

PEOPLE FOR THE ETHICAL TREATMENT
OF ANIMALS,

Defendant,

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PEOPLE FOR THE ETHICAL TREATMENT
OF ANIMALS,

Counterclaim-Plaintiff,

-against-

THE INSTITUTE FOR THE DEVELOPMENT OF
EARTH AWARENESS and MARJORIE SPIEGEL.

Counterclaim-Defendants.
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P. KEVIN CASTEL, District Judge:

I have the letter of defendant PETA's counsel, Roger Zissu, dated October 22, 2009 seeking clarification of my Order of October 15, 2009. In the October 15 Order, I ruled, in part, as follows:

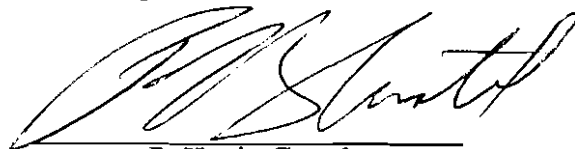
"... I will require PETA to produce all documents reflecting revenue generated through its website during the ALP campaign. I will also require to produce all documents reflecting revenue generated through mailings, solicitations, conferences, exhibits or events at which ALP Campaign was referenced. If PETA intends at trial to rely on a comparative period before or after the ALP Campaign, then it will be required to provide the revenues for the comparative period.

PETA's October 22 letter notes that it had "at any given time, at least 50 different websites" and that on many such websites the ALP Campaign was not referenced. I will only require PETA to produce revenue data from the websites on which the ALP

campaign was displayed, unless (1) PETA is unable to breakout the data for the websites on which the ALP Campaign was displayed in which event it shall produce all website generated revenue data; or (2) PETA intends to rely on the websites not referring to the ALP Campaign for comparative purposes in which it shall produce all such comparative data.

To avoid further disputes and delays, I will require PETA to produce under protective order the printout of the date of donation, member ID number, number of the donor and the amount of the donation which may be redacted to exclude the names and email addresses of donors. PETA is required to maintain the redacted data during the pendency of this action, including any appeals. PETA should also produce monthly summaries for the relevant time period.

Any pre-motion conference letter for a case dispositive motion will be deemed timely if received by December 18, 2009.



P. Kevin Castel
United States District Judge

Dated: New York, New York
October 26, 2009